

## ACT 111 / ACT 91

### **What is the effective date of Act 111 / Act 91 of 2011?**

There are three effective dates for Pennsylvania's Walsh Act:

December 20, 2011 – The Act expanded registration to include transient and out-of-state offenders.

February 21, 2012 – The Act modified the statutory definitions for several offenses (kidnapping, unlawful restraint, false imprisonment, statutory sexual assault, institutional sexual assault); and placed limitations on the number of Sexually Violent Predators per group home.

December 20, 2012 – Pennsylvania's current Megan's Law will expire and the remainder of Act 111 / Act 91 will be implemented.

### **What is the justification for implementation of Act 111 / Act 91?**

The passage of this legislation, found in Act 111 of 2011 and amended in Act 91 of 2012, brought Pennsylvania into compliance with the federal Adam Walsh Child Protection and Safety Act of 2006 (Walsh Act). The Walsh Act mandates the duration and frequency with which sex offenders must register utilizing a three-tiered classification system and requires states to create similar legislation to mirror the federal guidelines. The failure of states to comply within the three year time frame has resulted in a reduction of Byrne Justice Assistance Grant funds. In addition to allowing Pennsylvania to become compliant with the Walsh Act, Act 111 / Act 91 closed loopholes in Pennsylvania's current Megan's law in an effort to allow greater information sharing between law enforcement agencies across state and federal jurisdictions. Most importantly, the goals of the Walsh Act and Pennsylvania's Act 111 / Act 91 are to ultimately enhance public safety by allowing communities to become more aware of the convicted sexual offenders living, working or going to school in their neighborhoods.

### **What is the difference between the Adam Walsh Act and Pennsylvania's Act 111 / Act 91?**

The 2006 federal Walsh Act provided minimum standards for sex offender registration and notification by creating the Sex Offender Registration and Notification Act (SORNA). Additionally, the Walsh Act created the Sex Offender Registry Tool (SORT), a sex offender management application provided by the U.S. Department of Justice and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) to assist the states in implementing SORNA registry system requirements. SORT, available to the states at no cost, was designed to make the sex offender registry system setup and maintenance process as efficient and effective as possible.

### **What is PA SORT?**

The Pennsylvania Sex Offender Registry Tool (PA SORT) is Pennsylvania's customized version of the federal SORT system, designed to capture information required by the Walsh Act and Act 111 / Act 91. PA SORT

captures demographic information about offenders such as date of birth, address, vehicle description and other information to be included in the PSP registry which links to the federal registry, as well as provides information to the community about the identity and location of offenders. Data entry into PA SORT is an integral part of the registration process, along with taking offender palm prints via Livescan and obtaining offender DNA samples. PA SORT interfaces with the state's other law enforcement systems that meet SORNA compliance. This system will allow for the increase in the number of approved registration sites capable of performing registrations and verifications via an electronic registration process.

**Due to the substantial increase in duties and increase need for personnel as mandated by this Act, what funds are going to be provided to the counties in order to perform these duties?**

There is no specific funding mechanism outlined in Act 111 / Act 91. The increase in personnel time varies significantly between locations and is dependent upon the number of individuals in the county requiring initial registration and recurring verifications as outlined in the Act. At this time, the Commonwealth does not anticipate providing funds for personnel costs. However, the Commonwealth has allocated funding received through the federal Byrne Justice Assistance Grant program to aid in the procurement of the equipment necessary to perform the registration and verification of offenders. Where possible, it is the intent to leverage existing equipment already deployed throughout the Commonwealth. The Pennsylvania Commission on Crime and Delinquency (PCCD) in coordination with the Pennsylvania State Police (PSP) is evaluating the existing equipment locations to determine the sites with the greatest need for equipment. Equipment for the sites identified will be provided within the confines of the federal funds available.

**Have there been any amendments to Act 111 since the Governor signed the legislation on December 20, 2011?**

Yes. Act 91 was passed in July 2012 and amended portions of the original Act 111. You can access the original Act 111 document as well as the new Act 91 document through the PCCD website:  
[http://www.portal.state.pa.us/portal/server.pt/community/act\\_111/20820](http://www.portal.state.pa.us/portal/server.pt/community/act_111/20820)

**Are the registration requirements retroactive?**

No. The amendments to the original law (Act 111) were passed and the new law (Act 91) removed the retroactivity requirements.

**REGISTRATION AND VERIFICATION – GENERAL INFORMATION**

**What is the difference between registration and verification?**

Registration is the initial process where a registrant provides the required data, is fingerprinted and photographed. Registration happens once for every sentenced offender to whom the Act applies. Verification is the process by which the registrant appears to validate the information provided at his/her previous appearance and is photographed. Verification occurs according to the schedule determined by the offender's Tier classification.

### **Where are registrations and verifications supposed to take place?**

It is intended that each county in the Commonwealth of Pennsylvania will have, at a minimum, two approved registration sites. One site will be PSP-based and the other site will be county-based. The county-based registration site may be located within a county office of an agency with no enumerated registration duties under the Act (such as a sheriff's department or county jail), as long as the county has agreed that registrations will take place in these locations and the PSP has approved the site for registrations. Location of the approved registration site does not affect the registration duties otherwise outlined in the Act.

### **Do registrations and verifications have to occur in the same place?**

Each approved registration site will include equipment necessary for performing periodic verifications as required by the Act. However, verification does not require the same equipment as registration so the county can set up additional locations where only verifications can be performed. Due to the different equipment required, a site designated by the county as performing verifications only will not be published by the PSP.

### **What is an "approved registration site"?**

An approved registration site is a location identified in this Commonwealth and approved by the Pennsylvania State Police at which individuals subject to this subchapter may register, update and verify information or be palm printed, fingerprinted and photographed as required by the Act. The site must be capable of submitting fingerprints utilizing the integrated automated fingerprint identification system or in another manner and in the form as the Pennsylvania State Police shall require. The site also must be capable of submitting photographs in the form as the Pennsylvania State Police shall require. A list of all approved registration sites can be found on the Megan's Law website at <http://www.pameganslaw.state.pa.us/>

### **Are approved registration sites required to keep certain hours of operation or accept walk-ins?**

The hours of operation and whether or not walk-ins are accepted must be determined by the department head of the agency in which the registration site is located. This must be communicated to the PSP at the time the registration site is processed for approval. Hours of operation are likely to be dictated by the regular working hours of the agency hosting the registration site. For example, if a county probation office is designated as a county-based registration site and is only staffed on weekdays between the hours of 8:00 a.m. and 5:00 p.m., there is no expectation that hours will be extended or staff will have to work beyond those hours simply because it is designated as an approved registration site. Likewise, the agency can determine whether or not it will accept walk-ins or whether appointments for registration and/or verification are necessary, but again this information must be discussed with the PSP so that information can be clearly set forth when the list of approved registration sites is posted.

### **INITIAL REGISTRATION What information is captured during the new offender initial registration process?**

There are several categories of information captured when an offender is initially registered. Please refer to the [Equipment Standards](#) website for more detailed information.

### **What equipment is required for initial registration?**

- To
- a. A Livescan machine capable of capturing rolled or flat platen palm prints;
  - b. A dedicated CLEAN line;
  - c. A PC with internet capable of connection to PA SORT (into which demographic data will be submitted);
  - d. A webcam/camera to capture offender photographs;
  - e. A signature pad to capture offender signature;
  - f. A document scanner to scan and copy offender licenses and other documents;
  - g. A printer;
  - h. DNA collection materials; and
  - i. Staff to perform registrations who have been CLEAN certified and trained in PA SORT data collection.

comply with the new registration requirements, approved registrations sites must include:

### **If there are different pieces of equipment necessary for the registration process, how does all the data get combined?**

The first step of the registration process is to complete the data entry for PA SORT which is an internet based data program that can be accessed through a PC. This information will include biographic/demographic information about the offender. Once that process is completed, PA SORT assigns the offender with a registration number. The registration process is then continued via Livescan where finger printing, palm printing and DNA evidence is collected. The registration number is used to pull the data entered into PA SORT on the offender.

### **Who is responsible for the registration of sex offenders?**

Many agencies are cited with responsibilities in the Act, including, but not limited to, PA Board of Probation and Parole, County Adult Probation/Parole, Juvenile Probation, PA Department of Corrections, and PA State Police. For more information, refer to the Act now codified at [42 Pa.C.S.A. Section 9799, et seq.](#)

### **What are the responsibilities for County Adult Probation Departments?**

As per Section 9799.19 of the Act, the adult county probation office is responsible for the initial registration of sexual offenders at the time of sentencing for sentences imposed on or after December 20, 2012. For more information, refer to the Act now codified at [42 Pa.C.S.A. Section 9799, et seq.](#)

### **If an offender receives a state sentence, who is responsible for the registration?**

According to the requirements of Act 111 / Act 91, if an offender is sentenced after December 20, 2012 to confinement in a state correctional facility, the county office of probation and parole serving that county is still responsible for the initial registration (see 42 § 9799.19 (b)(1)). While the Act requires that the county office of probation and parole is responsible for assuring registrations of these offenders, nothing in the Act prohibits probation/parole from working with the county sheriff or warden to perform registrations as long as those offices are approved registration sites. If a county has worked out such a plan of collaboration, probation/parole is still ultimately responsible for assuring that the offenders are registered and for notifying PSP when they fail to show or are otherwise non-compliant with registration duties. If an offender is, prior to the effective date of December 20, 2012, incarcerated in a federal, state or county jail initial registration will be performed by the appropriate official of that facility. (see 9799.19 (b)). Likewise, offenders who are already under the supervision of state probation or parole on December 20, 2012 will be registered by the Pennsylvania Board of Probation and Parole (PBPP).

### **Under what authority do county probation departments have to register state sentenced offenders?**

Section 9799.19(b)(1) of the Act provides the authority and requirement that the county office of probation and parole is responsible for the initial registration of offenders sentenced to confinement in a state correctional facility after December 20, 2012.

For more information, see the Act codified at [42 Pa.C.S.A. Section 9799, et seq.](#)

### **How long does it take to perform an initial registration?**

At this time, it is estimated that the time to complete a full initial registration, including DNA, fingerprint, palm print, photograph capture and demographic data collection is approximately one and one half (1 ½) hours. This is only an estimate and will vary based on the amount of information the offender must provide (i.e., factors like multiple jobs, automobiles, certifications/licenses, etc/) as well as the familiarity of the user with the process and system.

### **Why does the Act 111 / Act 91 require a “Palm Print Scanner” and not just use the traditional finger print system currently in place?**

Pennsylvania’s Act 111 / Act 91 require the capture of palm prints in order to comply with the Federal Adam Walsh Act and Federal SORNA requirements. Without the capture of palm prints, Pennsylvania may not have been deemed substantially compliant by the SMART office overseeing SORNA implementation.

### **What if my county does not have a Livescan capable of capturing palm prints?**

PCCD has limited funding to provide a few Livescan machines to counties that, without the Livescan, may not have been able to establish a county-based approved registration site. For several months, PCCD worked with the PSP, the Pennsylvania Chiefs of Police (PACP), and county organizations to determine in which counties no palm-printing Livescan existed and/or there was an additional need for Livescan units. Those counties were identified and offered a Livescan at no cost in order to create a county-based (as opposed to

PSP-based) registration site. Counties have been encouraged to work through their Criminal Justice Advisory Boards (CJABs) to create a county plan for registration using existing or newly obtained equipment.

**My county was deemed eligible to receive a new Livescan machine capable of capturing palm prints. What if we choose not to take it – will the PSP be responsible for registering offenders?**

Whether or not a county has or accepts a Livescan does not impact the agency responsibilities set forth in the Act. Section 9799.19 of the Act sets forth the requirements for Initial Registration and identifies the appropriate agency responsible for the collection of required information. For example, Section 9799.19 (b)(1) states that if an offender is sentenced to a county or state correctional facility on or after the effective date, the appropriate office of probation and parole shall collection the information set forth in section 9799.16(b). The act further indicates that the appropriate office of probation and parole shall, in addition, ensure that the information set forth in 9799.16(c) is collected and forwarded to the Pennsylvania State Police. Regardless of whether the county accepts the equipment offered, probation and parole is responsible for registering this population.

**How do we collect DNA samples for registration purposes?**

The collection of DNA samples under the Act requires a buccal swab. The Livescan machine will print out a ten print card that must be submitted along with the DNA sample to the Forensic DNA Division of the PSP. Additionally, inked thumb prints must be taken and submitted along with the ten-print card and the DNA sample.

**Where do I get the DNA sample supplies?**

You can arrange to receive the supplies necessary receive the supplies necessary to collect DNA samples by contacting

Forensic DNA Division 80 N.  
Westmoreland Avenue  
Greensburg, PA 15601  
724-832-5423

**If an offender is already registered under Megan’s law, would they be required to be registered again?**

Current registered offender’s data will be migrated to the PASORT system. However, they are required to report within 90 days of implementation to update their information and provide the new Act 111 / Act 91 data elements.

**What is the deadline for registering offenders currently on probation or parole?**

The Act mandates that offenders currently on probation or parole are registered within 48 hours of the Act becoming effective on December 20, 2012, and offenders currently listed on the Megan’s Law website have 90 days to comply with registration requirements. Many counties have voiced concern that the 48 hour registration deadline is not attainable for those counties with any significant number of sex offenders on active supervision. It is acknowledged, and the desire is that counties engage in a good faith effort to register these individuals as quickly as possible in the interest of public safety. It is recommended that offenders are prioritized and consider making those individuals who are not in the

current Megan's Law system a priority.

**What happens if an offender on probation/parole fails to show for registration processing?**

According to the Act, county probation and parole is responsible for the registration of offenders. If offenders fail to show for registration or otherwise do not comply with requirements, county probation and parole is responsible for notifying the local police department with jurisdiction, as well as the PSP. Failure of an offender to comply with registration requirements is an offense under 18 Pa.C.S 4915.1 (relating to failure to comply).

**What is the expectation for taking photos of offenders' private areas (genitalia, breast on woman) if they have tattoos and/or piercing, even, scars, etc.?**

Within reason, an attempt should be made to obtain photographs of distinguishing scars, markings and tattoos. The purpose of these photos is to allow the offender to be identified by the public; as well as potential victims. The booking center should have policy regarding this for all offenders. PSP does not photograph scars, markings or tattoos on the genitalia/breasts for Megan's Law purposes.

**If an offender is a under supervision and is a current Megan's Law Registrant on December 20th, would they fall under the registration requirement of 48 hours (those under supervision) or 90 days (current Megan's Law registrants)?**

As per the Act, offenders currently under supervision are to be registered within 48 hours. While many practitioners have stated that expectation is unreasonable, it is advisable that a good faith effort be made to register existing supervised offender as required by law and documentation should be kept of the good faith efforts made. Priority may be given to those offenders who are new registrants as offenders who are already registered on Megan's Law Website will be exported into the new P! SORT system and the only action required of probation/parole will be to update existing information and include new required information.

**Whose responsibility is it to notify supervised sex offenders who must now register under the new law who were not previously required to under the former Megan's Law?**

PSP will be sending notification to all 12,000 offenders currently registered in the Megan's Law database. Under the law, DOC and PBPP will be responsible for notifying and registering offenders under their control/supervision. As a measure of public safety, some county probation/parole offices may also opt to notify offenders on county supervision of the new registration requirements. In those cases, PSP is striving to ensure the message about tier designation and responsibility to register/verify is consistent. PSP is working to develop a system to export offender data to a spreadsheet for the county's use so they can query offenders and review tier classifications/reporting requirements assigned by PSP for accuracy and consistency in notification efforts.

**If an offender is entered into SORT and it was later determined that the offender did not meet the criteria for registration requirements, how will the offender's information from SORT be removed?**

If it is determined that an offender should not have been registered and entered into SORT, the PSP Megan's Law staff will remove the individual and notify the registering officials. If county personnel discover any inappropriate registration of offenders not required by law to register, they should report the error to PSP for removal of that individual from the system.

## **INITIAL REGISTRATION**

**Q: Is an offender required to register under the new law if his supervision ends prior to December 20, 2012, for a previous offense not requiring registration, if he is in arrears for costs owed on December 20, 2012?**

A: In consulting Office of Chief Counsel, PSP does not believe an offender in this situation is required to register. This situation does not meet what they believe to be the legislative intent in defining the period of supervision. In the absence of judicial interpretation by a court of the Commonwealth, this information is provided for your guidance only and situations arising are fact specific.

## **VERIFICATION**

**What information is captured during the verification process?**

At verification, an offender is to provide any changes to residence, place of employment or place of education or other changes to information captured at initial registration. Additionally, an offender will submit to a new photograph, signature and license/document scanning. A full list of [Sexual Offender Data Requirements](#) website.

**What equipment is required for verification?**

To meet verification requirements, a site designated as an approved registration site will have the requisite equipment. This will include a PC with internet access to PA SORT (via CLEAN or JNET CLEAN), a webcam to capture a new photograph of the offender, a signature pad to capture offender's signature and a document scanner to scan and copy licenses and other required documentation, as well as a printer.

**Do we need to verify Sex Offenders in CPIN on a yearly basis?**

No. CPIN is no longer used for offender registration under the Act. Sexual offenders have new verification reporting requirements and PA SORT will now be used to register/verify/update all sexual offenders.

**Will we need to verify Sex Offenders in Livescan on a yearly basis?**

LiveScan prints and palms are only required for initial registration or if the official is in doubt of the offender's identity. For current offenders there may be some that a palm was not collected previously. In this case, a palm would be collected on their first visit. CPIN will no longer be used for sexual offenders. PA SORT will be used for all registrations and verifications.

**How often does an offender have to verify information?**

Verification requirements vary by the classification of different tiered offenses. For more information on this, refer to the list on the PCCD website

[http://www.portal.state.pa.us/portal/server.pt/community/act\\_111/20820/verifications/1139513](http://www.portal.state.pa.us/portal/server.pt/community/act_111/20820/verifications/1139513)

**If an offender changes his/her residence what is required?**

A commencement of residence, change in residence, termination of residence or failure to maintain a residence (transient) must be reported in person at an approved verification site within three (3) business days.

**Does an offender have to report to the same location where the initial registration took place or can they visit another verification location to fulfill their verification duties?**

Offenders who are appearing for their periodic verifications (monthly, quarterly, semi-annual, annual) or mandatory updates are permitted to appear at any PSP registration site as well as any county-based approved registration site. All approved registration sites published by PSP will be capable of performing offender verification. PSP will post all approved registration sites in the PA Bulletin, the Megan's Law website, and will include that information in any correspondence to sex offenders when they are notified of their duties to register. Additionally, at the time of initial registration, the PA SORT system will print out a notice to offenders setting forth their specific verification requirements. Offenders may also appear at any county-based site created for verifications only, although those sites will not be published. Offenders on supervision should be encouraged to report changes to their supervising probation/parole officer and comply with verification requirements through the county resources where possible. The intent of the Act is to protect the public and provide current, accurate information to the community about offenders who, because of their convictions, are deemed a threat to public safety. The Act makes no distinction between PSP-and county-based registration sites and both sites should be postured to process offenders for verification in the interest of allowing access to the resources necessary for verification and protection of the public.

**If the changes are not to their physical/personal situation (ie-new car, new residence, etc.) does the offender have to report the change at a registration site OR can they forward it by email and or phone?**

As per Section 9799.25 of the Act, the offender is to be photographed during their periodic verifications. There is no provision to allow the offender to mail in a photograph. Additionally the language in Section 9799.25 (b) indicates that the sexual offender shall appear as required under subsection (a) within ten days.

**If we transfer a case to another state that has NOT implemented the federal Adam Walsh Act, are they required to report back to Pennsylvania for registration? What happens if they don't return? Will they be charged with a new charge? Is this also a probation/parole violation? What if the offender is cooperating in the other state and does not have the means to return to Pa.?**

Act 111 / Act 91 mandate registration requirements for offenders living, working or going to school in Pennsylvania. Once the offender leaves the Commonwealth permanently, he or she is no longer required to register as per Pennsylvania's Act 111 / Act 91 requirements but would be subjected to the rules of the state to which he or she relocates. If the offender returns to Pennsylvania to visit, live, work or go to school, he or she would have to register as per Pennsylvania's requirements. As for the responsibilities of probation/parole in transferring cases and handling violations, these questions are beyond the scope of the intended purpose of this website.

## **OFFENDER INFORMATION**

### **What classifies an offender as Transient?**

Transient is defined in the Act as "an individual required to register under this subchapter who does not have a residence but nevertheless resides in the commonwealth in a temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park".

### **If an offender is taking courses online, are they considered a student?**

The definition of student in the Act states: "The term does not include an individual enrolled in an educational institution exclusively through the internet or via correspondence courses."

### **Why must an offender undergo an evaluation if he is convicted of a Tier Three offense and required to register for life, anyway, as a result of the conviction?**

Act 111 / Act 91 cites the requirements for an Order for Assessment in Section 9799.24 for *all* sexual offenders. Throughout the Act there are cited differences for notification procedures and treatment requirements for an offender found to be a Sexually Violent Predator (SVP). Please refer to Act 111 / Act 91 for the specific distinctions.

### **Who will be developing the notice that probation and parole offices will use to send out to all affected offenders currently under their supervision and now required to register, advising them of the change in law and their requirement to report for processing?**

PSP has indicated that they have drafted such a letter and that it is scheduled to be sent out on December 7, 2012.

### **Does the notification letter have to be sent by registered mail? Can a supervising PO just tell an AWA probationer/parolee to report as directed?**

Section 9799.20 of the Act, regarding duty to inform, does not appear to require that the letter must be sent as registered mail. Section 9799.20 (2) requires that the sex offender read and sign a form stating that the duty to register has been explained and that the individual understand the registration requirement.

**What notification forms must the offender sign?** Offenders currently on the Megan's Law website will be notified by PSP of the need to register. APO will conduct a review of their current caseload and notify offenders via written notice. Once initial registration is complete, the system will print a reminder to the offender of his or her specific verification requirements.

## **EQUIPMENT – GENERAL Who pays for the initial cost for the data lines through Verizon?**

According to the Pennsylvania State Police Commonwealth Law Enforcement Assistance Network ("CLEAN") Administrative Regulations, Section I 2(b) -"Equipment Maintenance and Support Requirements" -all costs associated with the installation or relocation of equipment and data communications lines is the responsibility of the authorized agency utilizing CLEAN.

**What vendors are available to provide our county with equipment to carry out the requirements contained in Adam Walsh Act?**

The equipment needed to carry out the registration and verification requirements contained within ACT 111 / ACT 91 are defined within the Equipment Standards on the website.

The PC and peripherals can be procured through the appropriate county procurement process but must adhere to the equipment standards identified in order to operate with the PA SORT application. The Livescan device for capturing finger and palm prints must be on the certified equipment list found on the equipment standards page:

[http://www.portal.state.pa.us/portal/server.pt/document/1259536/guidelines\\_and\\_technology\\_standards\\_pdf](http://www.portal.state.pa.us/portal/server.pt/document/1259536/guidelines_and_technology_standards_pdf)

**EQUIPMENT – LIVESCAN**

**What type or model of Livescan is required for registration in order to be compliant with the Act?**

The Livescan used for registrations under the requirements of the Act must be capable of capturing palm prints – either flat platen or rolled palm prints. The common model being procured by the PCPA for the counties receiving a new Livescan is the TP-5600. If the Livescan is also to be used for booking purposes, the TP-5900 model is recommended. The following units are approved by the PSP for print capture:

[http://www.portal.state.pa.us/portal/server.pt/document/1259536/guidelines\\_and\\_technology\\_standards\\_pdf](http://www.portal.state.pa.us/portal/server.pt/document/1259536/guidelines_and_technology_standards_pdf)

Annual maintenance costs if purchased through the PCPA contract is approximately \$1,900 for the TP5600 model and approximately \$4,500 for the TP-5900 model. Vendor training is provided upon delivery of the unit. Additional training is available on the PCPA Virtual Training Network.

**What is the minimum requirement for the dimensions for the size of the room housing the equipment?**

There is no prescribed minimum requirement for the dimensions of the room housing the equipment. The room must be sufficient in size to house the equipment and provide for safe operation. You may refer to the Central Booking specifications and the Criminal Justice Information Systems Security Policy for recommendations and additional information.

**Does the room housing the equipment need to be secure/private?**

According to the Criminal Justice Information Systems (CJIS) Security Policy Version 5.0, Section 5.9.1, the equipment must be kept in a physically secure location. For more information on what constitutes a physically secure area, please refer to this set of guidelines [http://www.portal.state.pa.us/portal/server.pt/community/pa\\_act\\_111\\_of\\_2011/20820/equipment\\_standards/1133434](http://www.portal.state.pa.us/portal/server.pt/community/pa_act_111_of_2011/20820/equipment_standards/1133434)

**Can the room housing the equipment be restricted to specific hours?**

Hours of operation are determined by the agency at the time the location is approved for registration. Please consult the list of approved Registration Sites to determine the hours for each location and whether an appointment is necessary.

**Does the Livescan need a dedicated CLEAN line in order to process registrations?**

Yes.

**Is there a battery backup system required such as a generator for the equipment?**

The Livescan device does not contain a backup system nor is one required under the maintenance policy. Utilization of a battery backup or generator is at the discretion of the hosting agency and their IT policies.

**What is a TAC officer and does every county have one?**

TAC is an acronym for Terminal Agency Coordinator (TAC). Per PSP Administrative Regulations, every agency directly connected to CLEAN must have personnel designated as the TAC and Alternate TAC. Each agency administrator shall designate individuals who have been certified CLEAN operators for at least one year and attended an approved CLEAN training unit program. All TAC officers must be approved by the CLEAN Administrative Section. They must attend all mandatory training as directed by the CLEAN Administrative Section. The TAC and Alternate TAC are individuals assigned by and employed by their respective agency to act as a liaison between the user agency and the CJIS system agency PSP. All requests concerning CLEAN and CJIS must be coordinated through the user agency TAC or Alternate TAC.

**PCCD offered our county a Livescan with palm-printing capabilities because we did not have reasonable access to a machine in order to be compliant with the Act. Can a probation/parole department accept the Livescan from PCCD and NOT be listed as an “approved registration site?”**

An approved registration site is a location that contains the full suite of equipment in one location to capture the information required by the Act during registration, which includes the fingerprint and palm print capture devices, and that has been deemed approved by the PSP in that it adheres to the requirements of a registration site described in the Act. The determination where registration locations will be located in each county is at the discretion of each county. The Commonwealth is striving to have, at a minimum, two approved registration sites in each county – one at a PSP barracks and one at a county-based office. Whether

a site is listed as an approved registration site must be negotiated with PSP. All counties already have the necessary equipment or funding has been provided to procure the needed equipment for the county to have a registration site in order to meet the Act 111 / Act 91/Act 91 requirements.

**If an Adult Probation Dept. accepted the Palm Print Scanner, is there a possibility that State funding would be available to pay for the annual maintenance fees? This is a significant issue for counties since we realized a 5% cut in Grant In Aid in the coming year. (Bucks Co. first set of questions #5)**

There is currently no funding that PCCD is aware of that is being made available for annual maintenance fees. Act 81 legislation provides counties the ability to develop booking plans and charge fees to offenders. Counties should consider creating or amending their Act 81 plan to include the Livescan device in their overall booking plan and use fees captured from eligible booking assessments to maintain the equipment. The equipment need not exclusively be used for registration of sexual offenders.

**Who will handle the install and training of users on the new Livescan machine?**

Vendor training is provided upon delivery of the unit. Additional training is available on the PCPA Virtual Training Network.

#### **EQUIPMENT – PA SORT PACKAGE (PCCD FUNDING ANNOUNCEMENT)**

**What equipment is needed to access PA SORT and complete the data submission?**

To access PA SORT and obtain data to comply with registration requirements set forth under the Act, you will need a PC with internet access as well as a webcam, signature pad, document scanner and printer. PA SORT is a web-based program that can be accessed through one of two conduits. If a CLEAN hard line is available, PA SORT may be accessed through the PS Portal. If a CLEAN hard line is not available, PA SORT can be accessed through a JNET connection.

**Are there standards for the equipment necessary to access PA SORT?**

Yes. Standards and guidelines for the equipment necessary to access PA SORT are set forth here [http://www.portal.state.pa.us/portal/server.pt/community/pa\\_act\\_111\\_of\\_2011/20820/equipment\\_standards/1133434](http://www.portal.state.pa.us/portal/server.pt/community/pa_act_111_of_2011/20820/equipment_standards/1133434)

**Can we capture the offender photograph using a CPIN machine?**

No. CPIN will no longer be used to register, verify or update sexual offender information. However, CPIN will still be used for the booking process. You will need a webcam to capture the offender's photograph for registration under the Act, which is why PCCD has included a webcam in its package of equipment that can be obtained through the funding announcement, and why all counties are encouraged to apply for this equipment.

**PCCD offered \$5000 to each of the counties to assist with the Act 111 / Act 91 implementation. What exactly are these funds to be used for? If all funds are not used for that purpose, should the remainder be returned to PCCD?**

The purpose of these funds is defined in the funding announcement text. In summary, it is for the procurement of the equipment needed to satisfy the registration and verification responsibilities of Act 111 / Act 91/Act 91. The equipment procured with these funds are to be utilized for this purpose only. The funding can be used to purchase PC's, document scanners, signature pads, printers and web cameras. This a standard grant and the exact amount of funds awarded to the county will be based upon the contents of the application. As equipment is procured, PCCD will reimburse based upon receipt of a fiscal report with the appropriate backup documentation such as the invoice or paid receipt.

**Can we use the PC from the PCCD's funding announcement for other applications or must it be dedicated for PA SORT only?**

The PA SORT computer can be used to run other applications.

**How will Counties receive the \$5000 (e.g. General County Fund, Adult Probation, reimbursement for equipment purchased, etc).**

Funding will be handled as any other PCCD grant to the county. The grant award will be with the County Commissioners and the county will be reimbursed based on the fiscal reporting information provided as part of the grant reporting requirements. How each county handles the internal financials is under the control of the county fiscal agent.

**Is there any annual "maintenance fee" involved with the SORT/Equipment package?**

There is no maintenance fee associated with the base PC equipment package offered through the PCCD funding announcement. There are maintenance fees associated with the fingerprint equipment (Livescan) which vary depending upon the model of the machine (\$1,900 -\$4,500). The Livescan must be connected to PSP via a CLEAN connection and there is an annual maintenance fee for the CLEAN connection of approximately \$3,500.

**When will we see a copy of the form that needs to be filled out for registration?**

The information collected during the registration and verification is captured electronically through the PA SORT application maintained by the Pennsylvania State Police. There is no paper form to be completed. For more information on registration requirements, you may consult Section 9799.16 of Act 111 / Act 91 located on the PCCD Website at:

[http://www.portal.state.pa.us/portal/server.pt/community/pa\\_act\\_111\\_of\\_2011/20820](http://www.portal.state.pa.us/portal/server.pt/community/pa_act_111_of_2011/20820)

Direct link:

[http://www.portal.state.pa.us/portal/server.pt/document/1235595/megan's law \(walsh\) - 42 pa c s 9799 11 through 42 pa c s 9799 41 pdf](http://www.portal.state.pa.us/portal/server.pt/document/1235595/megan's_law_(walsh)_-_42_pa_c_s_9799_11_through_42_pa_c_s_9799_41_pdf)

**What software is needed to access PA SORT?**

The PA SORT system is a web application and the only footprint required on the PC will be for the peripheral devices such as the signature pad. CLEAN PS Portals will need to be configured on the PC as PA SORT uses this as a gateway to the application.

**Who will handle updates and technical assistance for PA SORT?**

PSP will handle the updates of CLEAN and/or PA SORT as necessary. Help can be obtained from the PSP Helpdesk.

**What happens if the PA SORT peripheral equipment breaks or goes down?**

Maintenance of the physical equipment is the responsibility of the local IT department/provider.

**What if we select a place to do registrations and later decide to move the location and the PA SORT?**

If the PA SORT equipment is currently located at an approved registration site, you must contact the PSP to discuss the new location to determine if the new location can be approved as a registration site. PA SORT must be run on a CLEAN or JNET connection and any location to which the equipment itself would be moved would require such connectivity. If you are moving the application to a differing device with an acceptable connection, CLEAN Admin would have to do configuration changes to enable the device.

**Will there be technical assistance to install the software to gather the Act 111 / Act 91 information**

PA SORT is a web-based application so there is no install per se. The application requires an internet explorer add-in (SilverLight) that is used as part of the integrated web cam photo capture capability. Any assistance required for PA SORT is obtained through the PSP Helpdesk.

**TRAINING**

**Will there be any training conducted regarding implementation of this Act?**

Yes. PSP is producing a modular training which will be available to all stakeholders. The training modules will include: Legislative Overview; PA SORT Application; and DNA Collection. The training is currently in development with an expected completion date in early to mid-November. Training will be available through DVD distribution and online modalities. CLEAN training will also be necessary for all individuals depending upon current certifications. This is necessary due to the ability to access sexual offender data because it is considered criminal justice information. The PSP is also in the process of preparing to roll out the CLEAN upgrade to PS Portals which will require training as well. A document is currently being prepared to notify users of steps to take to ensure connectivity to the new portal. Once your agency is trained, you will be contacted to schedule a transition to the new portal.

**How do I find more information about the PS Portal and CLEAN training?**

You will need training on PS Portal and CLEAN if you are not already trained/certified. You may get information about PS Portal or CLEAN training by contacting CLEAN Admin at 717-783-5575.

## MISCELLANEOUS

**Who is responding to questions submitted via the “feedback” button from the website?** A Walsh Act Communications workgroup was formed to help disseminate information related to the implementation of the Act. The Communications Workgroup members represent several agencies/groups including PSP, PBPP, DOC, County probation/parole, PCCD and the Sentencing Commission. Any feedback that is submitted via the website is discussed among the Communications Workgroup and sent an appropriate response.

**Will readers be notified when there is an update to the PCCD Sexual Offender Management website or the FAQs?**

There is no automated notification to the counties when information is updated so it is incumbent upon interested parties to check back to the website frequently to keep informed about changes. PCCD will attempt to put a notice on the main page of the website when a particular section has been updated.